

1. Claims 1, 8, 9 and 19 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following reasons apply:

1. In claim 1, line 7, applicants have left in the words "A is", so that the claim will read", A is A is ...". (paragraph).

2. In claim 1, line 5 of page 2, the phrase "bearing no or a further lower alkyl substituent" is awkward language. Also the claim is indefinite because no counterion for the thiazolio moiety is given. The examiner suggests the following wording: "or a 3-lower-alkylthiazolio group, optionally substituted with one lower alkyl group, with a halide counterion,". (paragraph 2).

3. Claim 19 is indefinite because a) in line 2, the substituted vinyl group should be in the 3 position not the 2 position and b) in line 3, "syn" is misspelled. (paragraph 2).

4. Claim 9, in line 6, still says "and its trifluoroacetate" and thus is indefinite because it is not known if this means the salt or ester. (paragraph 2).

2. The declaration under 37 CFR 1.132 filed October

12, 1986 is insufficient to overcome the rejection of claims 1-4, 6-13, 15, 16, 18 and 19 based upon Farge as set forth in the last Office action because the declaration is not probative, in that applicants have not compared against the closest compounds of Farge, those of examples 2, 40 and 49.

3. The declaration under 37 CFR 1.132 filed October 12, 1986 is insufficient to overcome the rejection of claims 1, 2, 3, 8, 9, 10 and 18 based upon Beattie in view of Berger, Farge, Furlenme~~x~~ and further in view of Dunn as set forth in the last Office action because applicants have not compared against Beattie's compounds of examples 6 7 and 16.

4. The declaration under 37 CFR 1.132 filed October 12, 1986 is sufficient to overcome the rejection of claims 4, 11-16, and 19 based upon Beattie in view of Berger, Farge, Furlenme~~x~~ and further in view of Dunn.

5. Claims 5 and 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. This is a continuation of applicant's earlier application S.N. 769,740. All rejected claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds of art of record in the next Office action if they had been

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entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE **THREE MONTHS** FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication should be directed to Examiner Robert Benson at telephone number 703-557-3920.

RB

02/04/88:rbb

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